The Owensboro Metropolitan Board of Adjustment

met in regular session at 5:30 p.m. on Thursday,
August 3, 2006, at City Hall, Commission Chambers,
Owensboro, Kentucky, and the proceedings were as
follows:

MEMBERS PRESENT:  C.A. Pantle, Chairman
     Gary Noffsinger
     Ward Pedley
     Marty Warren
     Sean Dysinger
     Ruth Ann Mason
     Judy Dixon
     Stewart Elliott, Attorney
     Madison Silvert, Attorney

CHAIRMAN:  I want to call the Owensboro

Metropolitan Board of Adjustment to order. Welcome
each one of you.

At this time we always start our meeting with
a prayer and the pledge of allegiance. We invite you
if you so desire to join us at this time.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  I want to welcome you to our

meeting. Set a few guidelines.

If you have anything you wish to speak on any
of these items, please come to the podium. State your
name, be sworn in by our attorney, and then we'll
listen to your questions or problems that you state at that time.

Direct your statements to the chairman and we'll find out the answer for you and then we'll have all of this on record available after that. With that we'll start our meeting.

First item is consider the minutes of the July 6th meeting. They're on record in the office. I don't think we've found any problems with them.

MR. NOFFSINGER: No, sir.

CHAIRMAN: With that I'll entertain a motion to dispose of the item.

MS. DIXON: Move to approve the minutes.

MS. MASON: Second.

CHAIRMAN: A motion has been made and a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

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CONDITIONAL USE PERMITS

ITEM 2

6831 Thoma Drive, zoned R-1A
Consider request for a Conditional Use Permit to place a 16'x76' class-2 manufactured home on the property. Reference: Zoning Ordinance, Article 8, Section 8.2 A10B, Section 8.4/7
Applicant: Mike Evans

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. All adjoining property owners have been notified for this public hearing. Mr. Doug Lane on the Planning Staff is here to give a brief overview of the proposal.

MR. ELLIOTT: State your name please.

MR. LANE: Doug Lane.

(MR. DOUG LANE SWORN BY ATTORNEY.)

MR. LANE: The subject property is located in an area of single-family residential uses that include several manufactured homes. OMPC records indicate that three previous Conditional Use Permits have been approved for class-2 manufactured homes on Thoma Drive.

The applicant is requesting a waiver of the sidewalk and paved driveway requirements since there are no sidewalks in the vicinity and several homes in the area have gravel driveways.

A site plan has been submitted with this application and it appears that the proposed site does comply with the OMPC class-2 manufactured home site standards.

The Board has received a copy of the Staff
Report and we would like to enter it into the record as Exhibit A.

CHAIRMAN: Anything else you want to add at this time?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is there anyone wishing to speak in opposition of this item?

(NO RESPONSE)

CHAIRMAN: Hearing none does the applicant have any comments or something you'd like to add at this time?

APPLICANT REP: No, sir.

CHAIRMAN: Does the board members have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Staff have anything else?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Entertain a motion to dispose of the item.

MR. PEDLEY: Motion to approve based on findings we have heard no opposition on this item. The use is compatible with the neighborhood and will not have an adverse influence on the neighborhood. The condition that we waive the sidewalk and the 21 by 22 gravel parking pad and all other requirements shall
apply.

CHAIRMAN: Is there a second to the motion?

MR. DYSINGER: Second.

CHAIRMAN: Is there any other comments or questions from the Board?

(NO RESPONSE)

CHAIRMAN: Staff have anything else?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Hearing none all in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

MR. NOFFSINGER: Mr. Chairman, there has been a request by the applicant on Item Number 4 that the Board suspending the rules and to move Item 4 up to Number 3. I think the applicant has a fund raiser that's going on tonight at the Boys & Girls Club that they need to attend. I think that item will just take a little bit of time, but it will require this Board voting on moving that item up if you so choose.

CHAIRMAN: What's the Board's pleasure?

MR. DYSINGER: Move to suspend the rules and hear Item Number 4.

MS. MASON: Second.
CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We'll proceed with Number 4 at this time.

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VARIANCE

ITEM 4

3415 Buckland Square, zoned R-3MF
Consider request for a Variance to increase the maximum height of a yard sign in a residential zone from 10 feet to 29 feet and to increase the maximum area of a sign in a residential zone from 150 square feet to 240 square feet.
Reference: Zoning Ordinance, Article 9, Section 9-4(c)(1)(3)
Applicant: Cliff Hagan Boys & Girls Club, Inc.

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. It has been advertised for public hearing at this time and all adjoining property owners have been notified.

Mr. Doug Lane on Planning Staff is here to give a brief overview of the proposal.

MR. LANE: The subject property is located in Heritage Park, which is a mixed use development consisting of single and multi-family residential, professional/service, industrial and business uses. The applicant is proposing to locate a 12'x20' free standing sign, which would be no higher than 29 feet,
approximately 20 feet off the north property line.

The proposed sign would be located towards the rear of the property in order to increase visibility of the proposed sign from the Wendell Ford Expressway. The sign would be located in an area of non-residential uses and locating the sign at the proposed location would help create greater awareness of the location of the Boys & Girls Club.

Furthermore, the Declaration of Covenants, Conditions and Restriction of Heritage Park provides that free-standing signs may not exceed 120 square feet; but on July 13, 2006, the O'Bryan Heirs Development Review Board approved a variance to allow the applicant to construct a free-standing sign being no greater than 240 square feet.

Also, a final development plan for the Boys & Girls Club was approved on November 1, 2004, and approval of this variance would require the applicant to submit a minor amendment to the existing final development plan.

Staff recommends approval with the condition that the applicant submit an amended final development plan for approval. However, there are single-family residences to the east that may be able to see the proposed sign from the rear yard and any testimony
from the affected property owners should be taken into
consideration.

The Board has received a copy of the Staff
Report and we would like to enter it into the record
as Exhibit B.

CHAIRMAN: Any board members have any
questions of the Staff?
(NO RESPONSE)

CHAIRMAN: Hearing none is there anyone here
this evening opposing to this variance?
(NO RESPONSE)

CHAIRMAN: No one against it or questions?
(NO RESPONSE)

CHAIRMAN: Does the applicant have anything
you all would like to add at this time?

APPLICANT REP: No.

CHAIRMAN: Any Board members have any
questions of the applicant?
(NO RESPONSE)

CHAIRMAN: Staff have any other comments or
questions?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Entertain a motion to dispose of
the item.

MR. DYSINGER: Mr. Chairman, move to approve
given the findings that a free-standing sign should not create an unsafe situation and should not negatively affect the public health or welfare; will not alter the character of the general vicinity as the proposed sign will be located in an area of non-residential uses.

Also, the Boys & Girls Club is a benefit for the youth of the community and with the condition the applicant submit amended final development plan for approval.

CHAIRMAN: Is there a second to the motion?

MR. PEDLEY: Second.

CHAIRMAN: A motion has been made and a second. Any other comments from the Staff?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Board members have any other comments or questions?

(NO RESPONSE)

CHAIRMAN: The applicant, you have anything you'd like to add?

State your name, please.

MR. WINKLER: Steve Winkler, Director of the Boys & Girls Club.

(MR. STEVE WINKLER SWORN BY ATTORNEY.)

MR. WINKLER: Just want to say thank you for
moving us up on the agenda. We do have a major fund
raiser with Tubby Smith coming in in about 40 minutes.
So we need to get to that.

Also, we just want to make sure that we are
serving the needs of the community. We have served
over 2,000 kids last year and the presence of the sign
would even more give so to the community. The Boys &
Girls are doing a tremendous job in Owensboro.

CHAIRMAN: Any other questions from the Board
or the Staff?

MR. NOFFSINGER: No, sir.

CHAIRMAN: All in favor raise your right hand
of the motion.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Item Number 3 now.

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CONDITIONAL USE PERMITS

ITEM 3

4301 Veach Road, zoned A-U
Consider request for a Conditional Use Permit to
construct and operate a substance abuse recovery
facility to serve a maximum of 100 residents.

Reference: Zoning Ordinance, Article 8,
Section 8.2 C1

Applicant: Owensboro Regional Recovery, LTD, Phillip
and Corine Hedden

MR. NOFFSINGER: Mr. Chairman, this
application has been reviewed by the Planning Staff. It's found to be in order. It has been advertised for public hearing at this time and all adjoining property owners have been notified.

Mr. Doug Lane on the Planning Staff is here to give a brief report as to the key character of the area.

MR. LANE: The subject property is a vacant tract of land that's located directly north of the Wendell Ford Bypass east of Veach Road. The subject property is surrounded by agricultural land to the west and single-family residential uses to the north. A minor subdivision plat was approved for the subject property on August 19, 2002. The previously approved minor subdivision plat indicated that access to the subject property is restricted to one access point 150 feet from the south property line and that 25 feet of half right-of-way existed along Veach Road. The subject property is also located in the 100-year flood zone.

The Board has received a copy of that Staff Report and we would like to enter that into the record as Exhibit C.

Additionally, Staff contacted Keith Harpole, Associate Director for Transportation Planning, with
the Green River Area Development District, about the need for roadway improvements on Veach Road because of the proposed development. Mr. Harpole then submitted an email to the OMPC that we would like to enter into the record as Exhibit D.

The letter states that with the proposed development, there isn't a need to improve Veach Road at this time, nor are there any scheduled roadway improvements for Veach Road in that area. However, if the parcel is further developed, a right turn lane would be recommended.

Mr. Harpole also indicated that he believes a majority of the traffic will access the property from the south, utilizing Salem Drive and Veach Road.

So, in accordance with Mr. Harpole's recommendation, Staff would recommend that if the board approves this Conditional Use Permit it be subject to the applicant submitting a minor subdivision plat to increase the half right-of-way from 25 feet to 30 feet in lieu of making improvements to Veach Road and to accommodate any future roadway improvements that may be needed along Veach Road.

The applicant also submitted a site plan for the proposed development that shows landscaping along the proposed vehicular use areas. The landscaping
ordinance requires that a 3 foot high element with a
tree every 40 feet be installed along vehicular use
areas adjoining residential properties and public
streets. The applicant has proposed to provide a
staggered row of evergreens along the vehicular use
areas to meet this requirement. Although the zoning
ordinance only requires a 3 foot high element be
installed, the applicant has proposed to exceed that
requirement by planting a minimum 5 foot tall
continuous element at planting. However, Staff
recommends that the applicant plant evergreens that
mature with a low spread around the base of the tree
to accommodate the required three foot high element,
provide additional screening and help relieve any
headlight glare that may affect the adjoining
residential properties.

Staff would also recommend that the
landscaping along the vehicular use area adjacent to
the residential properties be extended approximately
100 feet to the west into the existing utility
easement. The applicant should request an easement
release in order to extend the row of evergreens or at
a minimum install a three foot high solid, continuous
element into the easement. However, any testimony
from the affected property owners in regards to
screening should be taken into consideration.

If the Board approves the Conditional Use Permit, Staff would recommend the approval be subject to the following conditions:

1) A minor subdivision plat be submitted to increase the half right-of-way from 25 feet to 30 feet;

2) Landscaping along the vehicular use area adjacent to the residential properties be extended approximately 100 feet to the west into the existing utility easement;

3) Evergreens be planted that mature with a low spread around the base of the tree.

I did receive a letter from an adjoining property owner that they would like me to read into the record as well.

"I have lived at 718 Higdon Road for almost 30 years. This property is in the flood plain and I know from experience what happens when it rains. There have been times after a heavy rain when Higdon Road was flooded so badly I could not go to work. After the flood in 1997, water was over my front yard and back porches, two feet above the ground and to my front door. There was over two feet of water in my garage. Some of my neighbors had water in their
homes, resulting in damaged carpets, furniture and other personal property.

"Thompson Homes is in the process of building a subdivision with about 150 homes to the immediate west of Higdon Road. Even with the new lake to the north, Veach Road between Owensboro Country Club and Salem Drive is now flooding. There are no ditches to accommodate the run off.

"I strongly believe that more development in this area will flood the homes on Higdon Road. Flooding and safety issues need to be a serious concern of the Recovery board members and all involved in this endeavor. Perhaps a different location should be considered.

"The need for the proposed facility is understandable, but I hope it is not at the expense of my home, my back yard privacy and my personal safety. "I am sure everyone living here or owning property in this area will agree.

"Sincerely, Janice A. Boone, 718 Higdon Road."

I would like to enter that into the record as Exhibit E.

MR. DYSINGER: Mr. Chairman, I have a question real quick before you get done.

You mentioned it was a letter. It's a letter.
It's not an affidavit?

MR. LANE: It's a letter.

MR. DYSINGER: Do you know, did the person who wrote the letter have any expertise in drainage, that sort of stuff?

MR. LANE: Not that I'm aware of.

MR. DYSINGER: Thank you.

CHAIRMAN: Any other questions of the Staff at this time?

(NO RESPONSE)

CHAIRMAN: Any other objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Does the applicant, who I think there's a number of people on both sides, is the applicant ready to come forward and present your item at this time please.

MR. ELLIOTT: State your name, please.

MEYER: J.D. Meyer.

(MR. J.D. MEYER SWORN BY ATTORNEY.)

MR. MEYER: Ladies and Gentlemen of the Board, I'd like to thank you for entertaining our request tonight.

My name is J.D. Meyer and I am a board member of Lighthouse Recovery Services.
Let me first tell you that Lighthouse Recovery Services is an entity operating currently within the City of Owensboro serving those individuals with certain addictions. We've been in operation since 2001. We operate out of four houses in the downtown part of Owensboro on Clay Street and West Fifth Street, and we have another house on Bolivar.

In the four or five years that we've been in existence, we've had 200 graduates from our program.

Several years ago or about 18 months or so ago Governor Fletcher announced the Recovery Kentucky Project, which was his proposal to build ten recovery facilities throughout the state. He identified addiction and the problems that substance abuse cause in communities and within the Commonwealth and embarked on a tremendous project to put several governmental agencies together to come forward and address this issue.

There's no doubt everyone in this room probably knows someone very close to them that has been affected by such an addiction. The end result we see it every day in our papers, in our court system, our police officers, and in the homes and families of other individuals.

Lighthouse began and applied under this
program. Our model is the exact model that the
governor wanted to place within these facilities. So
this was a home, a bigger home for us. We ask tonight
that you approve this project.

We have Rick Pierce with PDC companies who is
the developer on the project. We have Don Bryant with
Bryant Engineering who is here and performed some
initial survey work.

This is a major project for Owensboro. It's
approximately a $4 million facility that will help
address those people and the problems that addicts in
our community have and restore them to productive
lives. Right now they're a drain on our society.

There's a revolving door. I wish Judge Castlen could
be here tonight. The judges see the resolving door of
the jail system. Unless we step forward and take some
initiative to address that revolving door, it will
just continue only causing a drain on the rest of our
society. This program is designed to take good people
who have made a mistake, restore them to being
productive citizens. Put them back out in the
community so that they can raise their children, they
can work in our society, they can pay taxes, and they
can spend their money here in our community. So we
believe that everything that is done to foster that
will only better our community.

With that having been said we would field any questions that the board may have.

CHAIRMAN: Board members have any questions at this time?

MR. DYSINGER: J.D., you mentioned the other facilities. Could you give us those locations again?

MR. MEYER: We operate on 518 East Fifth Street. We have another facility that is on Bolivar Street that's almost at the corner of Fifth Street. Then we have two houses on Clay Street between Fourth Street and Third Street. 523 Clay Street and 525 Clay Street I believe are the exact addresses.

MR. DYSINGER: Thank you.

MS. MASON: If this is approved tonight, will those continue to operate or will they move to this facility?

MR. MEYER: This facility is designed to be a men's facility. Two of the facilities, the ones on Fifth Street and Bolivar currently are serving women. The men's facility most of the individuals would probably be transferred to the program and out to that facility. We may continue to operate those other two houses for our women's division or use for some additional permitted housing for individuals
graduating the program.

CHAIRMAN: Board have any other questions?

MR. PEDLEY: Is this facility being operated under Lighthouse Recovery or Owensboro Regional Recovery? The application was by Owensboro Regional Recovery, LTD.

MR. MEYER: Lighthouse Recovery will be the general partner of that limited partnership and will control the day-to-day operations of the facility. It has to be structured in this manner under a complicated system in the way of organizing and obtaining the funds for the construction of the facility. You have tax credits that are available that certain investors purchase those tax credits and they are the other member of that Owensboro Regional Recovery.

Mr. Pedley, Lighthouse will be the servicing arm and will service all of the facility.

MR. PEDLEY: Since this is state funded, will this be a statewide facility for anyone needing treatment? Can they come from another state?

MR. MEYER: The idea is that the facilities were strategically placed, if you were to go back and look at a map, that they would cover the entire state. Originally designed to be equally divided between mens
and women's facility. They were designed to have a regional approach. So that there may be individuals from McLean County, Hancock County, Ohio County who are in the facility. Probably a lot of them will be individuals from Daviess County. There is a facility that is planned to be built in Henderson that will service women that also is to have a regional approach. So that just gives Mr. Pedley an example. But as far as people from Indiana, generally no; however, our program currently and at time does take individuals from the Perry County court system.

MR. PEDLEY: You state in your application that this is a Kentucky Recovery Program and the facility will be 100 men maximum capacity.

MR. MEYER: Yes, sir.

MR. PEDLEY: And there will be on-site staff to provide constant, it says "constant," supervision for the facility.

MR. MEYER: Yes, sir.

MR. PEDLEY: Is that under the state supervision or will it be local?

MR. MEYER: No. That will be employed staff that will be at the facility on site. They will not be correction officers or police officers. They will be employees of the entity who will work there, you
know, majority during the day, but they will have
security individuals there in the off working hours.

MR. PEDLEY: This program is for alcohol and
substance abuse.

MR. MEYER: Yes, sir.

MR. PEDLEY: Is there any sort of screening
for sex offenders?.

MR. MEYER: Yes, sir. We have an intensive
screening process. We have that in place already.
The program does not accept violent offenders. Those
individuals who would be considered hardened criminals
that would have substantial assault charges and major
infractions of that nature. Be careful with the word
violent and non-violent because sometimes with
substance abuse you run into people who may under
their addiction get domestic violent charges. I can
tell you that anyone who engages in any violent
activity while there at the facility will be
immediately removed by calling the local law
enforcement.

All participants in the program are screened
prior to their entry to make sure that they qualify
and that this program is something that will assist
them.

MR. PEDLEY: Is this land at present owned by
MR. MEYER: No, sir. This property, we have a purchase agreement with Mr. And Mrs. Hedden who are both here tonight. I apologize for failing to introduce them. Contingent upon our ability to move this project forward.

MR. PEDLEY: Has Lighthouse or Owensboro Recovery spent excessive money on this project to date?

MR. MEYER: We have engaged in a lot of time and efforts of individuals in this project.

MR. PEDLEY: Thank you. I think that's all I have.

CHAIRMAN: Any other questions from the board?

(NO RESPONSE)

CHAIRMAN: Staff have anything?

MR. NOFFSINGER: I have a comment.

Mr. Meyer, you mentioned the other centers that you have within the community. Just remind you that if there is a change in the nature of how those centers are used, you may be required to come back before this board for a rehearing on your Conditional Use Permit. If you do make any changes, I just direct you to Mr. Jim Mischel in the planning office to
discuss that with him so that we can get you down the right track.

MR. MEYER: As an attorney we make all efforts to comply with every law that we have.

MR. NOFFSINGER: Very good. One question I have. In terms of those that will be attending this center, as I understand some folks will be coming in voluntarily to enter the facility. Will there also be folks at this facility that are serving a sentence? That are currently serving a sentence?

MR. MEYER: No. The individuals, the Department of Corrections has indicated that they would like to utilize up to a third of the beds. Part of the operational moneys comes from the Department of Corrections. So they will have what we envision as being Class D felons possibly, but they are not serving their sentence. They are probated. A condition of their probation for release is that they comply with the requirements of the program. So that if any individual fails or falters in any way, the program is under an obligation to immediately report that back to the individual's probation officer.

Other individuals may come — in addition to the walk-up individuals, you may have individuals who are serving through the court system naturally. Such
as the program that takes individuals now and working
closely with the district courts as individuals are
given the option if they are approved through our
screening to participate in the program to defer
misdemeanor charges or to probate misdemeanor charges.

MR. NOFFSINGER: Thank you.

MS. MASON: Mr. Meyer, will there be any men –
- because this facility is going to be for men,
correct?

MR. MEYER: Yes.

MS. MASON: Will there be any men that will be
coming in that will not be living on site but will be
coming in for meetings?

MR. MEYER: You may have that. The facility
is designed to address the needs of those there.

MS. MASON: Living there?

MR. MEYER: Yes. You may have graduates of
the program who may come back from time to time for a
visit or for a meeting. Addiction is not something
that is cured, you're just suddenly cured. It's
something that you have to deal with your entire life.
Those individuals may come back for meetings, but most
of the facility, the funds available are all tied to
servicing the individuals in that facility.

MR. DYSINGER: I have a question somewhat
related to that I suspect. Do you anticipate a significant impact on traffic whether it be on Higdon, Salem or Veach? I guess it's sort of related to the last question. In and out, people coming in for short periods of time and leaving.

MR. MEYER: Most of the individuals in the program currently do not have vehicles. They rely upon public transportation or bicycles. Therefore one of the benefits to the property is its proximity to the Green Belt. It has a city bus stop that's within a quarter mile, I believe, of the facility near the Social Security Administration building. We do not anticipate, other than Staff, that you will have large traffic patterns on those roads.

CHAIRMAN: Any other questions at this time of this gentleman?

(NO RESPONSE)

CHAIRMAN: Anyone else want to speak for the applicant?

MR. ELLIOTT: State your name, please.

MR. PIERCE: Richard Pierce.

(MR. RICHARD PIERCE SWORN BY ATTORNEY.)

MR. PIERCE: I don't know what I can add. J.D. pretty much gave you everything.

I'm with the PDC companies out of Little Rock.
About 18 months ago J.D. contacted us to act and help him be a liaison between Lighthouse and the Kentucky Housing Corporation and all the other departments that are trying to put their funding into this project.

I'm not the engineer and that's why we hired Don Bryant and that is one of the expenditures that you were asking about. He's already started surveying and topographic work. We've already started environmental assessments and other work.

I think there was a concern about the 100 year floodplain. As I have understood it, Mr. Bryant may comment or may not, depending on whether or not I say it correctly or not, our intention has been to raise the site first through the earth work process to get it out of the floodplain for insurance and other purposes. But secondly to have on-site retention that is required so that we are not putting water off. As a matter of fact, probably be helping this site and potentially adjoining sites with retention basin. That he will have, as the civil engineer as well, work with all the required agencies, state and local.

If there are any other questions -- I think in terms of traffic as well, you're looking at the majority of the pattern not traveling necessarily I guess would be north. I'm a little confused on
directions. Up Veach. But under the bypass and more
towards the commercial areas and things like that.

One of the things that I was impressed about
this program is it emphasizes a person walking for
health and other reasons. Once they are in a certain
stage of their recovery, being able to seek
employment, and so the commercial areas on 431, from
my aspect as a developer, provided a good way, you
now, service and retail entry level jobs where they
can start working back in the community. The site
made sense from Lighthouse's standpoint for many
reasons. More than they've even enumerated tonight.

If there are any other questions, I'll be
happy to answer them.

MR. PEDLEY: I have one other question for you
or Mr. Bryant. Has the Corp of Engineers been out to
test that for wetland? I see some grasses in there
and bushes.

MR. PIERCE: I don't know that the Corp has
specifically tested. I know part of the results from
the phase 1 environmental, which we're expecting in a
few weeks, will give an opinion from those
professionals as to whether or not there may be
wetland present on site. I know that it is also
submitted to the Kentucky Clearing House. So the
Department of Natural Resources Historic Preservation, everybody has a chance to make a comment. If it's warranted or believed that there are wetlands, then that will be addressed.

MR. PEDLEY: If it is a wetland, you know you can't build on it.

MR. PIERCE: I'm sure there's a permitting process and a mitigation process.

MR. DYSINGER: Sir, who do you represent?

MR. PIERCE: PDC Companies.

MR. DYSINGER: What is that?

MR. PIERCE: It's a real estate development property management and general contracting firm.

MR. DYSINGER: Thank you.

CHAIRMAN: Any other questions of this gentleman?

(NO RESPONSE)

CHAIRMAN: Staff have any questions?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Anyone else for the applicant come forward at this time.

MR. ELLIOTT: State your name, please.

MR. BRYANT: Don Bryant.

(MR. DON BRYANT SWORN BY ATTORNEY.)

MR. BRYANT: Basically just add to what's been
said.

No design work has actually begun on the site. We're completing a topographic survey, which is the first step and boundary work.

The entire site is in a floodplain. The entire site will not be raised above the floodplain. Only those areas that are necessary for the building pad and parking and so forth.

We will meet one to one displacement as is recommended under the public improvement specifications. This will have to be reviewed and approved by the county engineer and also be submitted to the Division of Water for permitting. All these issues will be addressed in accordance with our requirements or local requirements.

CHAIRMAN: Board members have any questions of Mr. Bryant?

MR. DYSINGER: I have a question more for our counsel.

The question of drainage at this point is something that I've heard that I'm interested in. There are other agencies that take care of that? Is that part of the purview of our process here tonight or how do you see that, Stewart?

MR. ELLIOTT: I think you have to consider it,
but there's other agencies that control the drainage.

CHAIRMAN: You can put the conditions on the applicant. Other agencies have to approve it.

MR. NOFFSINGER: That is a requirement whether it's a condition or not. All local requirements be satisfied. What we have here is a preliminary site plan which I assume they want to see if they're going to get their conditional use permit before they go in and prepare a full blown plan for exactly how it's going to be developed. That would be my guess. Because this plan is preliminary. You couldn't go out and start construction with this drawing. You would have to have an engineer drawing addressing drainage, the site elevations, boundaries and whatnot before they could get a permit to begin construction.

MR. DYSINGER: So beyond us there are checks on the drainage issue?

MR. NOFFSINGER: Yes, sir.

MR. BRYANT: I might add to that. The conceptual plan shows a small area for retention. This retention area probably be more than one area. Maybe one to the rear we've suggested. Maybe a wet basin near the entrance to dress up the entrance and also utilize that area under the power line that it can't be built on. Give us better distribution of our
retention value. The basins, the total basins are going to cover significantly more of an area on this site than what would be indicated on the conceptual plan. Significantly more. Especially with one to one displacement. That's to achieve than mitigating the runoff from the development because of the impervious area. That's the challenges.

CHAIRMAN: Any other questions of the applicant at this time?

(NO RESPONSE)

CHAIRMAN: Do you have anything else, the applicants, you want to add at this time?

(NO RESPONSE)

CHAIRMAN: Then the other ones that have comments that you want to make. Is there someone going to be your speaker, spokesman to start out with?

MR. ELLIOTT: State your name, please.

MS. GOODMAN: Sandy Goodman.

(MS. SANDY GOODMAN SWORN BY ATTORNEY.)

MS. GOODMAN: If this is permissible, I have a statement from my brother who is a property owner on Higdon Road. May I give you a copy?

CHAIRMAN: Yes. Put that in the record.

MS. GOODMAN: "This statement was prepared by William E. Goodman who is unable personally to attend
this meeting. Mr. Goodman owns property on Higdon Road that adjoins the applicant's property, and would be adversely affected by this requested conditional use permit.

"I would like to keep my statement brief, but because of the many and varied issues involved, that will be hard to do. Some of the overriding issues are safety, property values, proposed density issues, floodplain issues, land use issues, zoning issues, and all the related rules, regulations, and laws and their interpretations.

"I consider this application #152 for a 'conditional use permit' to be a threat to my personal safety and that of my neighbors and the entire neighborhood, including the general public that uses the area streets and the Greenbelt Park Walkway. The proposed site has approximately 800+ feet adjacent to and running along the Greenbelt Park Walkway.

"I consider application #152 as a threat to my property values and that of my neighbors and the entire neighborhood.

"I have personally owned and worked around areas that are known for crime, drug abuse and drug dealing, and I know what I am speaking about when it comes to safety issues and declining property values,
having been a real estate broker and property investor for 30 years. I have also had experience with issues that surround the whole concept of allowing buildings to be built in floodplains and I know this can be an expensive and risky business.

"I also consider application #152 as a threat to my property due to the fact that it is being proposed in a designated floodplain with its associated flooding hazards. Evacuation of areas that are subject to flooding presents their own set of problems and associate costs and risks. I am aware that Section 110 of the Comprehensive Land Use Plan states, and I quote, 'Discourage Urban Development in Flood Plains' and Section 8.5.2 of the A-U Urban Agriculture Zone contained in the Owensboro Metropolitan Zoning Ordinance states and I quote 'Structures and/or buildings shall not be placed in the designated Flood Plain which tends to increase flood heights or obstructs the flow of floodwater, and which could cause damage to other properties as per Article 18 of the Owensboro Metropolitan Zoning Ordinance.'

"The current zoning allows a density of two units per acre for its main permitted uses that of single-family and manufactured homes. The applicant
is proposing to house 100 +/- persons in his proposed two-story development. The site is around seven acres and I do not believe that any proposed development should be allowed to exceed the density of the property's principally permitted use which are single-family and manufactured homes, when it is located in a designated floodplain. I have been made aware that the Comprehensive Land Use Plan could provide for a density greater than two units per acre, but I am not sure that an increase in density would or should be allowed on property located in a floodplain.

"As of the writing of this letter, I have not been able to find out if the services that the applicant proposes to offer the tenants meet any established norms to qualify as a 'rehabilitation facility.' Unless the applicant provides substantial on site professionally staffed services, such as drug counselors, doctors, security personnel, and emergency service personnel the development could function more as a residential housing development for drug abusers and/or criminals rather then strictly a 'rehabilitation facility.'

"Due to the substantial residential housing component of this development this proposed facility could easily function as a 24 hour a day 7 day a week
housing project for drug abusers. I have heard that a lot of the newer drugs being consumed by the abuser can cause persons to become extremely violent and destructive. This proposed facility would most likely come in contact or could possibly house known sex offenders that may also be drug abusers which as you know would be a safety hazard and cause a lot of sleepless nights, especially for the older residents, guests and visitors in this area.

"Back in July 2005 Judge Haire expressed his concerns about the inevitability of this venture falling back on the local government to support, and I agree totally with his opinion. I have read newspaper reports and heard other news reports to the effect that a large portion of the federal, state, and local governmental entities do not and cannot fund their own employee's retirement plans. If they do not have the funds to fund their own retirement plans, how does one ever expect to provide free or subsidized housing for drug abusers. All we need in our neighborhood is the possibility of a future flophouse for drug abusers, dealers and/or criminal at the taxpayer's expense.

"When a neighborhood becomes unsafe or its safety is brought into question, real estate values fall and residents move out and people considering the
affect area will avoid it. All of which is not good news for the present or future tax base. I figure that if one wanted to reduce the tax base they could build drug abuse facility in every neighborhood in Owensboro and Daviess County.

"Another thing that seems well worth mentioning again is that the property where the applicant proposes to build this facility contains 800 +/- feet of adjoining frontage along the Greenbelt Park Walkway. I cannot think of a better way to discourage the use of this walkway; as the general public consisting of adults, teenagers, children and families learn of the safety hazards along the walkway they will avoid it.

"As members of the Board of Adjustment, you are required to consider safety issues, and the adverse influence on existing or future development of the subject property or its surrounding neighborhood. The way I read the law under which you operate, if you find public safety issues are present and/or the proposed facility would have an adverse influence on existing or future development of the subject property or its surrounding neighborhood the conditional use permits must be denied. I personally do not believe that this applicant can meet all the safety issues and
the adverse influence issues including the rules and
regulations, goals and objectives of both the
Metropolitan Zoning Ordinance and the Comprehensive
Land Use Plan which the applicant is required to do
so.

"I hope that this Board of Adjustments will
remember that my safety, the safety of the entire
neighborhood and that of the general public using the
Greenbelt Park Walkway is paramount as compared to the
housing of a limited number of known drug abuser
and/or criminals who have elected to violate the
public laws.

"I am one that does not take lightly a threat
to his safety or damage to his property. I am 63
years old and I have seen my share of faulty political
ventures and policies. I have also had a lot of time
to observe the real world and know how it functions at
the concept of providing drug abuser their own form of
free or subsidized housing at the expense of the
public's personal safety and their property values
cannot be allowed to happen.

"Thank you for your time. May God Help You
and The Affected Neighborhood and The General Public
reach the right decision on this request for a
'conditional use permit.' William E. Goodman, Area
Property Owner."

CHAIRMAN: Anyone else at this time?

MR. DYSINGER: Could I ask a question of the last person.

Ma'am, your brother wrote this?

MS. GOODMAN: Yes.

MR. DYSINGER: He seemed to do a lot of research.

MS. GOODMAN: Yes, he has.

MR. DYSINGER: It's commendable. Did he happen to research any police response to the other three facilities?

MS. GOODMAN: No, that has not been mentioned. He was unable to get a lot of information.

MR. DYSINGER: That's all I have right now.

CHAIRMAN: Thank you.

Next.

MR. ELLIOTT: State your name, please.

MS. BOONE: Misty Boone.

(MS. MISTY BOONE SWORN BY ATTORNEY.)

MS. BOONE: I wanted to present for the board tonight we have a signed petition from the neighbors Higdon and Veach Road against the construction of the building.

I unfortunately don't have copies. I couldn't
find a copier at the last minute, but I would like to
submit it in the record.

CHAIRMAN: We'll put it in the record.

MS. BOONE: That's all I have.

MR. ELLIOTT: State your name, please.

MR. KIRBY: My name is Roger W. Kirby.

(MR. ROGER KIRBY SWORN BY ATTORNEY.)

MR. KIRBY: I'm no professional. I'm
certainly not like this lady here that presented the
written thing. I'm just going to give it to you from
my heart.

My family moved there in 1964 whenever I was a
young lad. I lived there with my parents until 1977,
which I married another young lady that lived on the
street there.

We moved back. We liked the area so well we
moved back in 1990 or 1991.

When I was a kid we saw water problems a
little bit, but as the years went on Owensboro grew in
our direction and as the years went by the water
problems that we have out there increased more and
more. The subdivisions that they're building in our
direction, when they lay down the concrete, as
Mr. Ward knows very well, don't absorb the water. It
just makes it run a whole lot faster, and it runs in
our direction faster.

Their proposal to develop this ground, as they said to raise it up, up in the floodplain, which will be three or four feet. One gentleman said they were only going to do it to the building, which is going to make the water run that much faster.

The drawing that they sent us said that there was going to be a ten foot easement between our properties and then a road. If they flatten the road out, all that's going to do is create a highway of water running right straight toward our property. The erosion that would be between our properties would be enormous. Not only that water would be standing in there all the time. They're going to build a retention places which is going to hold the water, which I don't think the one to one ratio they're not going to hold the water that comes in that field. It's a big field. The lowest spot is between the homes. It don't run to the back of the field. So I don't know how they're going to catch all that water and run it to those basins if they're not going to create some type of drainage system, which we haven't seen.

Another thing is the man said, the gentleman said that most of these people will be on foot. We
live in kind of like a little isolated area there.
It's kind of tucked away from nowhere. We're a good little ways from the golf course. The bypass has got us sheltered there. For somebody that's a drug abuser that they one time can't fix, we're easy picking. Our backyard is there. Most of us don't even lock our garages. Leave doors open. My mom and dad don't even shut their doors half the time.

How are we suppose to live with knowing that these type of people are in our backyards all the time.

The man there asked about police. Let's hope there is no police reports because if there is there, there is going to be for us. We don't want that.

What they propose for us is nothing but problems. They cast nothing but fear in us and nothing but a problem in the future.

Would you buy my home? Would you buy my home if it was a place right there in your backyard and you were looking for a home? Would you buy it if it was the same home somewhere else or sitting right there with that in your backyard? Would you buy it? Any of you. Would you all buy it? I don't think so. Not if it set somewhere else, the same exact house.

Our property value is going to decrease if we
could ever sell and if we had to.

CHAIRMAN: Any question of the gentleman?

(NO RESPONSE)

CHAIRMAN: Next person.

MR. ELLIOTT: State your name, please.

MR. ROACH: My name is Henry Roach.

(MR. HENRY ROACH SWORN BY ATTORNEY.)

MR. ROACH: Ladies and Gentlemen, Phillip and Corine Hedden have been my neighbors and my friends for years. I'm talking about 40 years, maybe 50.

I farmed this land up until two years ago.

When they talk about felons coming across from my house, I'm straight across from this. I can throw a rock on the place.

I've dealt with drugs all my life. When I retired from the city, Harold Taylor talked me in the notion to coming to the jail and work for him. Now, you can't keep drugs -- drug will be in this facility. You can take my word for it because drugs was in the jail when I worked at the jail. It's hard to control it.

When they talk about convicted felons taking part of these beds, you're getting in my territory.

You're getting close to my family.

Now, you talk about the water situation. I
rode a horse down Higdon Road and the water would be three and four feet deep right in front of these people's property. If they build this up, this facility up to where they meet the specifications, it's going to flood people.

I ask each of you: Would you want this in your neighborhood next-door to you? That's why I came down here and express my opinion.

The Heddens will be my friends tomorrow I hope. I'm their friend. Thank you.

CHAIRMAN: Any comments.

MR. DYSINGER: The only thing I would say, Mr. Chairman, since this is the second time this has been mentioned, I live on Bolivar Street. I live four blocks away from one of the facilities. I understand the sentiment, but I do live near one. We're good there.

CHAIRMAN: Anyone else have any other comments?

Come forward and state your name, please. If you all have anything to add, you have to come forward and state your name.

MR. ELLIOTT: State your name, please.

MS. WEDDING: My name is Kathy Wedding and I live on Higdon Road.
MS. WEDDING:  Mainly what I have are just questions.

Can we get a written guarantee that we're not going to get excess flooding, more that what we have had in the past? Are you going to guarantee us? If you build this, it's not going to cause us to have more flooding problem? Are you going to give us the value of our houses as of now?

Can we get them to give us a written guarantee that it's not going to belittle our property? Can we get a written guarantee that there's not going to be sex offenders, people that's going to hurt our children?

I have a six year old granddaughter they I love dearly. Can you guarantee me that if I bat my eyes something is not going to happen to her?

Kathy has a 12, 13 year old daughter. How old is your son, 12. Can you all guarantee us they're safe?

Yes, you may live by one of these places, but how many people is in that house?

When this gets to be a state funded thing, there will be people in there that the courts put there that don't want to be there. They're going to
be there because they have to.

Can you guarantee us that they're not going to
be breaking out stealing our vehicles? I guarantee
you there will be some of them that will know how to
hot wire a car. It's not that hard to go through a
window. They're going to be wanting money to get
drugs. Anything they can get to get their drugs.

My sister lived with an alcoholic for 19 years
before she divorced him. I cannot tell you the times
the neighbors has called us to come get her. There
was times her kids were scared the way she looked he
beat her so bad. He beat her until he knocked the
bolts, the screws and bolts out of the highchair and
they had kids. The man is still an alcoholic.

I do agree these type of place are a
necessity, but not in people's yards. There's all
kinds of places on out in the country. There's real
estate signs all over the place. Don't have to put it
next to somebody's house.

Daviess County High School kids jog down that
all the time. We put up with coyotes on our porches
in the wintertime. We don't want to put up with
harden criminals, and there will be hardened
criminals. I don't think any of you all can guarantee
us that there won't be.
Yes, two or three, you know, five, six, maybe ten, that's not so bad. You probably don't have the really bad ones. But when the states gets behind it, there will be court appointed -- I can't think what I want to say.

Anyway, there will be people that are bound there, that has to stay there and the only thing they're going to have on their mind is getting out and getting even. Guess who they're going to see first? Us.

They have a little girl that would like to be happy in her backyard. If this is, are we going to get an electric fence around our backyards? Are we going to get a permit to carry a gun with us? I mean it may not be quite that bad all the time, but there are going to be instances. People breaks out of jail all the time. There's going to be really bad people there.

I mean as of right now, you know, we've got our neighbors. If you spat a little bit, that's it. It's just a spat. I really don't know of anybody arguing. We want to keep our kids safe. That's all we want to do. We just want to work, we want to raise our families and we want to be safe. Thank you.

CHAIRMAN: Thank you. We appreciate your
Next person.

MR. ELLIOTT: State your name, please.

MS. STIFF: My name is Debbie Stiff.

(MS. DEBBIE STIFF SWORN BY ATTORNEY.)

MS. STIFF: My husband and I have lived on Higdon Road for almost 29 years in September. We came there as newlyweds and we've raised a family of seven children on that property. We have still at home two teenage daughters and a five year old who is just starting kindergarten this year. These girls lay out in their backyard. It's been such a safe neighborhood, as they've said. You don't even have to lock things up. You can walk up and down the road and you don't have to worry about anything.

My concern is teenage girls feeling free to lay out in their backyard in their bathing suits. I know the Greenbelt is there for people to walk to this facility, but they're not just going to be screened out. People who are on drugs sometimes are disoriented. They had enough drugs that their minds aren't quite right. They're not going to stick to drinking. They're going to be coming up Higdon Road. They may come up Higdon Road and look at the facility. They're going to be walking up Veach Road,
they're going to be in front of us, behind us, beside us, and that's scary to us. We've always had a safe neighborhood where we are and that really feels like that's being ripped out from underneath of us.

I don't think the general public will like it either because this Greenbelt has been proposed to be a safe way for Owensboro to get healthy. All the time Catholic High, Daviess County and probably every other groups of kids are jogging in front of our house, jogging behind us. Groups of kids, do you think that they will feel safe? Do you think their parents will feel safe or their schools will feel safe when they're going right down beside that facility? It's just a few feet past our back fence.

I have a garden out there. How safe will I feel to be out there in my backyard with that garden if just a few feet away?

We've talked about felons and if they falter. You can't guarantee they're not going to falter. If they falter, that's always a possibility. Always a possibility that something is going to mess up on the security.

You all were talking earlier when you were dealing with other business issues. One of the statements I heard said, we decided this will not have
an adverse affect on the neighborhood. I kind of think this might on our neighborhood.

It wouldn't affect safety. One of you said something about we have decided that this issue won't affect the safety of this neighborhood. I think this will have an affect on the safety of our neighborhood.

So as I was listening to you guys address other issues, the very wording you used to say, no problem, we pass this, go back and read that and see if you can say the same thing about this particular issue concerning our neighborhood. I don't really think you can in all honesty say the same thing because it will have those adverse affects on safety, security, property value.

As far as the flooding is concerned, when you're talking about the rains that we get that floods us, because we can do really good in a lot of circumstances, but when the rains come down really fast and it can't go anywhere, those ditches fill up just like that. Our ditch in front of the house, the ditch in the field, the ones that go across Veach Road, they fill up just like that.

If we have a big heavy rain, those retention basins will be fine, but they'll fill up just like that. If it continues to rain a little longer, that
water is going to get us.

In '97 we had water in our house. All the carpet and all the floor had to go up.

We're watching a development over across on Veach Road. Lots of feet of dirt in that area. That's scary enough, but then you put it behind our houses too. You've got to understand our concerns.

The security won't be there until after hours. During the day they talk about only having staff to manage the place and the security comes in after the staff goes home is the way I understood it said earlier.

I think that's mainly my concerns. I think you all certainly would understand, if you were in our shoes I'm certain that you would understand these issues are of extreme importance to us.

CHAIRMAN: Any board members have questions of for this lady?

(NO RESPONSE)

CHAIRMAN: Next person. State your name, please, sir.

MR. HAYNES: My name is Robert Haynes.

(MR. ROBERT HAYNES SWORN BY ATTORNEY.)

MR. HAYNES: I live on Veach Road. I did not get a chance to sign the petition and I would like to
do that.

There's a lot of talk about these people walking back and forth getting to wherever it is they're going during the day. This area has no sidewalks. Veach Road does not. Salem Drive does not. These people are going to be put on the Greenbelt or on the road. Veach Road is a narrow road. There is more and more traffic out that way now. I think it needs to be looked at for the individuals walking up and down the road. One hundred people walking on the road is quite a few. Basically there's not much car traffic.

I personally have had someone renting from me. I own a piece of rental property in town. I had an individual, a family, man, wife, two children rent a house from me. He had a good job. He got into drugs. Lost his job. He chose to go into the Lighthouse program because it was the easiest way out for him. I then helped the gentleman get a job. He didn't stick with his job. I personally was having to drive down to one of the downtown facilities trying to collect the rent from him because he was hit and miss working. I know the gentleman that owns the company that I helped him get a job with. He was calling in to his place of employment that I helped him get and say, if
they call looking for me can you say I'm here today,
but I've got some other family issues to take care of
today.

These things needs to be looked at before we
consider this.

Flooding is a great issue out in this area.
Flooding in the roads. We've got people walking in
the roads. There's going to be more car traffic. One
hundred people, that's a lot.

I ask for everyone to please consider this for
the safety of the 100 individuals plus staffing.
The gentleman who drank he stole from me. I
had to evict them. They tore the house up. There was
no help and that's the type of individuals. I hope
that all of them aren't this way, but I've had
firsthand experience with one of them. I live just
right around the corner on Veach from the proposed
facility. I would like to sign the petition.

CHAIRMAN: Questions of this gentleman?
(NO RESPONSE)

CHAIRMAN: Someone else now. Any other
comments at this time?

Come forward and state your name, sir.

MR. ELLIOTT: State your name, please.

MR. ROACH: Danny Roach.
MR. ROACH: There's been some very positive statements made on behalf of what they're trying to express to you about this construction. I would like for you all to think about the number one concern and that is safety.

I have two kids that live on that road and a grandson. From what I hear, you know, you're talking about putting some people in there that have had some problems. I understand about drug rehabilitation. I know that's not a bad thing. What I'm saying is when you bring these people in, people on drugs, their behavior is very, very unpredictable. They may be up one day, they may be down the next day. People on drugs they're liable to do anything at any time to get what they want.

I think that your all's main concern is safety be number one. I think the flood issue is a very, very serious issue to also consider, but safety has got to be your number one consideration in your decision.

It scares me to think that we've got felons coming in to this place. I know that's going to be - - you say they're going to be walking quite a bit. Some of them don't have vehicles. They're going to be
walking at night in very poorly lit areas. It's a very scary thing. I think you need to listen to what these people are trying to tell you because it's a -- it makes me nervous knowing that the state could possibly come in here. Like my father said, we've know the Heddens for a long time. They're good people. I'd like to see something come in on their property that is not what we're dealing with today. That's all I've got to say.

CHAIRMAN: Thank you.

Anyone else at this time?

MR. ELLIOTT: State your name, please.

MR. PAYNE: I'm Thomas Alexander Payne, and I do promise that everything I say will be true to the best of my knowledge.

I don't have any testimony to give because I don't know anything about this anyhow. I have a couple of questions that I thought we could get some more information on.

I represent the Alexander Evans Heirs, and that's that big farm north of Higdon Road.

Is this a lock-down facility and could you elaborate on the nature of security that you have there? I don't think I have a full grasp of what the
nature of this is.

Then also is there an existing model? In other words, is there one just like this down in Bowling Green maybe you could point to and look at or is this the first of its kind? That's all unless you have questions for me.

CHAIRMAN: Before we answer this question, see if anybody else have some comments before we start getting answers from the applicant?

MR. ELLIOTT: State your name, please.

MR. STANLEY: My name is Dean Stanley.

(MR. DEAN STANLEY SWORN BY ATTORNEY.)

MR. STANLEY: I think a number of very valid points have been made here this evening. I don't intend to address those again. I do think the issue of safety is paramount. I do think property values are extremely important to all of us who live in this vicinity.

I think one thing though that has not been mentioned to this stage that I do think should be part of the record and I'd like to raise that issue and that is this same institution earlier this year was looking at a site along JR Miller Boulevard near the Country Club. Happened to be on the west side of the area, and it was in a highly developed residential
neighborhood. They withdrew their interest in that location.

Today the location we're talking about is across JR Miller Boulevard over to Veach Road. You're crossing one field. It too is going to be a highly developed residential neighborhood. I think that needs to be part of the record and part of your consideration too because at some point someone realized that it did not appear to be appropriate to have a facility like this in a highly developed residential neighborhood. Thank you.

CHAIRMAN: Anyone else have any other comments?

MR. ELLIOTT: State your name, please.

MR. THOMPSON: Tommy Thompson.

(MR. TOMMY THOMPSON SWORN BY ATTORNEY.)

MR. THOMPSON: Mr. Chairman, Members of the Board, thank you for the opportunity to address this issue tonight.

Section 732 and Article 7 of the Board of Adjustments official definition within the OMPC's Zoning Ordinance speaks to on issues like this when you take that in consideration, conditional use applicants and request.

Number one, you look at an issue concerning
and address an issue concerning a proper integration. The ability to properly integrate the proposed use into the existing neighborhood.

I think we can fairly say, particularly with the testimony we've heard tonight, that it's very difficult to affectively, economically and naturally integrate a 100 unit attached institutional facility into a detached residential neighborhood.

I think you all know that this neighborhood already has established a principal character. That principal character is detached single-family. That character I might submit is being strengthened and enhanced by recent developments, recent residential developments that have been announced and are under way in this immediate neighborhood, which I think will further spawn more like kind development. Like kind being harmonious development, single-family detached projects because that's the nature and character of this development.

Now, if I can ask you to recall with me just a little bit. Let's flash back in our community here a couple of years ago when we talked about proper integration and some other projects that broached this subject.

Do you remember two or three years ago, I
think that's the proper time frame, Daviess County was considering locating a drug treatment facility somewhere in the community. I want to add as a side that I think we desperately need that in this community and all across Kentucky. We need drug treatment facilities to address the cancer that is drug addiction, but it has to be in the proper location and the proper context.

Daviess County considered where to locate that drug treatment facility. They were thinking about putting it perhaps at the jail, out on Highway 60. They looked very strongly at a site on Pleasant Valley Road. A lot of consideration was given to the site on Pleasant Valley Road, which was in a residential neighborhood. After much discussion and testimony, the fiscal court voted - I was at the meeting - to not place the facility on Pleasant Valley Road because they felt like they could not be properly integrated into that neighborhood. They decided to put it where I think it should have been put and where it is, next to the existing jail facility on US 60. That's where that facility is now. They're doing a tremendous job. Jailer David Osborne is doing a great job there. Lieutenant Governor Pence just came down about 30 days ago and gave some more state money to continue
the work that they're doing at that facility at the 
   jail.

Another point of integration you might 
consider is you know there is a state operated 
juvenile detention facility located on Highway 54. 
It's almost across from Wendy's and it's pretty near 
the Wal-Mart facility. That's in a commercial 
setting. Obviously look at the arterial that Highway 
54 is. So it's not in a residential neighborhood. 
It's integrated into a neighborhood that's more 
compatible with an institutional use which is what 
this proposal is.

Also, if you look further at statute, it talks 
about the conditional use may be suitable only if it 
would not have an adverse influence on the surrounding 
neighborhood. We've had a lot of discussion tonight 
about adverse influence. You all know better than I 
that when you look at land use and you look at 
permitting land use and changing land use, that KRS 
100 talks about the need to address the public health, 
safety and welfare.

   Obviously safety is an issue here. I'm not 
going to elaborate on that. I think these ladies and 
gentlemen here have done a tremendous job of 
presenting the safety implications of this proposed
use. That certainly is something that KRS 100 says
has to have strong adherence in making a decision on
land use.

Then we move into another element of KRS 100
which is welfare. It says we must look at the welfare
and the impact. We're talking here about adverse
influence of which these people here tonight have done
a great job of echoing.

I just want to quickly elaborate that the
welfare has to do, in my opinion, one significant part
of a person's welfare are their assets. One of the
biggest asset, it's not the largest single asset that
an individual has, is their home. In this case the
residential neighborhood has homes that have value for
these stakeholders. These are the stakeholders in the
neighborhood, the people that are here tonight.

Now, market mechanisms are very insensitive
and they're also very unforgiven. In this case, and I
might submit that perception is reality.

I think that if this proposed use is allowed
that market mechanisms will say, there is an
incompatible use in this neighborhood. We have an
institutional facility that's been forced in to a
residential setting. We think that's incompatible. I
think that incompatibility will translate into
diminution in value. The market makes those
determinations. That diminution in value will
directly and profoundly effect the welfare of the
people that live in this community, that live in this
neighborhood.

Furthermore, think about projects that are
planned and might come to the neighborhood that are
single-family in nature. That if in fact the market
starts to say, and its insensitivity format which it
does often, that we don't think that's as good of a
residential area as it can be or should have been and
now it's been infected by a nonconforming use. So it
will have an impact on the tax collection ability of
the community because those developments won't take
place. Those taxes won't generate and that will be
less money to pay for essential services that
government provide with property taxes such as police
and fire protection and roads and schools.

So I think without question we can say that
this proposed project has an impact on the welfare, a
negative impact and it will have adverse influences on
the neighborhood.

Just in summary. I think there are definitive
legal facts and findings that will allow you all to
deny this application.
First of all, I think the first finding is that it's not appropriate or rational to try to naturally integrate this proposed use into the neighborhood because it is incompatible. I'm speaking now of an institutional use. This isn't a two-bedroom house or three-bedroom house or a residence. It's an institutional facility. Almost like an institutional hospital.

So, number one, finding of fact is that it cannot be properly integrated into the neighborhood because it's incompatible with the neighborhood. There's not any other use of this type, and I don't think there will be any other use of this type unless this were to be granted because it is predominantly single-family. As I said, market forces are working now to strengthen and enhance the ability of this neighborhood to be more single-family oriented because of some projects that have been proposed.

The second finding of fact is that I think, as I said awhile ago, that this proposed granting of this conditional use permit will without question provide a profound negative influence on wealth. I think it will have an adverse influence on the well-being of the people that live in this community. I think it will negatively affect the assets that they own.
Whether that's fair or not, it's the real world. It's reality because the market will make that assessment and will accordingly reduce property values as a result of that because of this incompatible institutional use.

The final point that I want to make is perhaps hopefully the strongest point. I want to be very clear tonight that I'm not here, I certainly cannot speak for these fine people, but I'm not here tonight to discriminate against a particular class or segment of society. I'm here to speak against an institutional use. It just happens to be that this institutional use that we're talking about tonight is for a drug treatment facility, but I don't think any institutional use is appropriate in this neighborhood; whether that be a juvenile detention facility, whether it be a psychiatric treatment ward, whether it be an orphanage, whether it be an Alzheimer's clinic. I don't think any institutional facility is appropriate for this neighborhood. It just happens that this application is for a particular type. Again, for the record, I'm not here to discriminate, nor do I think these individuals will do that, against a particular class of people or particular segment of society. It's just not compatible for this neighborhood. Any
institutional use is not compatible in this area. I think in summary without question there is a need for a facility like this and there are locations and environments within our community that would facilitate and allow the conditional use of an institutional facility. This location just doesn't happen to be one of them.

Finally, I would just ask you tonight, as I said again, we're not discriminating against a particular class or group, but I do think you should consider to make sure hopefully your decision tonight and I hope that it would be against this permit so that you don't discriminate against the rights and values and the welfare and the health of the stakeholders of this neighborhood. Thanks for your time.

CHAIRMAN: Any board members have any questions of the gentleman?

(NO RESPONSE)

CHAIRMAN: I think, if I'm correct, most all of you have stated about everything why we shouldn't have this residential in that area. Is there anything else that you all have that you would like to add at this time that hasn't been presented so far?

(NO RESPONSE)
CHAIRMAN: Any other comments before we try to get the answers from the gentleman back there?
(NO RESPONSE)
CHAIRMAN: Would Mr. Meyer or whoever wants to speak come forward. I briefly wrote some things down.
After hours security. Whether it's going to be some type of walls or something around it or fence. Address the water flow and flooding. If you can guarantee them they won't be flooded more. Their safety and their expense of value of their property. Can you please answer this?
MR. MEYER: I will, but I may need some assistance from you reminding me of all those questions.
CHAIRMAN: I'll remind you. Be sure to answer them.
MR. NOFFSINGER: Mr. Chairman, there's one more. Is there an existing model that you can point to within the state?
MR. MEYER: To address Mr. Payne's questions regarding the facility being a lock-down facility. The answer to that question is no. It is not a lock-down facility; however, the individuals as they leave the facility have certain programs that they are leaving the facility to attend. There are designated
times at which the agency, at which we will know when
they begin. If those people do not arrive at the
facility at the time that they are suppose to, then we
will be notified. So we will get down to the bottom
of where they went. There is a time when all
residents are required to be in the facility, a curfew
if you will. There are random checks of the beds at
night to make sure that all individuals in the program
at the facility are there.

On that point I would like to raise
discussions that we have had about implementing a
reverse 911 system. To contact the individuals in the
surrounding community, to notify them that someone is
out there. That is similar to the system in place
currently at the jail facility and one that has been
recommended to us by Jailer Osborne in discussions
with him as he faced these same concerns when the jail
facility was - I don't know if Jailer Osborne did -
but Jailer Taylor did. As the facility was
constructed on US 60.

Those policies and procedures can be
implemented and we are open to any additional
suggestions that the neighborhood may have.

Let me point out to the members of the board
and to those members in the neighborhood. One of the
things that we realized from some happenings of some
different agencies as they applied for programs was
that there seemed to be a breakdown and failure of
communication between the neighborhood in which that
dentity and those entities were attempting to place
their institutions in and the board itself.

Therefore one of the things we sought to
implement was creating a position on our board that's
designated to a member of the community, member of
that neighborhood.

Currently Mrs. Corine Hedden, the owner of the
property, is a member and has been a member of our
board for over a year. We see and we feel that that
is an avenue to help ensure that from this time
forward any concerns the community can be addressed,
there is a neighborhood liaison.

Mr. Payne also requested and asked whether
there was an existing model. The answer to that is,
yes. In fact, there are two existing models. We can
make arrangements for anyone to tour that facility.

The governor when he looked to implement this
program wanted to put items in place, a program in
place to prove successful. He modeled and what he saw
there was an entity known as the Healing Place that's
located in Louisville, Kentucky. Another facility
known as the Hope Center is in Lexington, Kentucky. Those two facilities have been in existence, have proven to be successful, have operated, the Healing Place in particular, in the west end of Louisville. I have spoken and many members of our board and our staff have spoken with Mr. Jay Davidson, the director. He actually came to Owensboro to discuss this project and this prosal. It's been quite some time. At that meeting he did explain and express that in fact the safest area in West Louisville he would attest is within a two mile radius of the Healing Place facility.

Those individuals who are in the program, if they have a wayward moment, the last place they want to be is anywhere near the facility. They don't want to be there. They want to go back to where they came from, wherever that may be. Whether it's a small little house in the center of town or whether it's the biggest mansion out in the richest neighborhood. It's a problem that affects all various lines of life. Not just the one particular class of individuals.

Those individuals typically return to the roots that got them into the situation that they are in.

The other thing playing in the favor of
ensuring the safety of that facility, in Mr. Davidson's words, are that if there is a problem in that area whose the finger going to be pointed at? It's those individuals who are in recovery. The last thing they want is to have the finger pointed at them. So they take it upon themselves, those individuals in the program that don't want to be the dead beats or the drug addicts. They're the reason that it's cleaned up. They make it known that it will not be tolerated in that area. It's been successful.

I would like to add that the Lighthouse program is based upon the Healing Place model. It has the same programs, the ideas, the concepts in place. We don't have the size of facility that the Healing Place or the Hope Center has. That's what this facility would provide.

There's a lot of questions about property location.

CHAIRMAN: Let me ask you one question where you were talking on safety and stuff. Can you assure these people that the safety there will be better than it is at the jail? Because I live close to it and have property and there's two or three hours sometimes before they notify us of anything.

MR. MEYER: Assurances are a difficult thing
to make. No one can predict the future and no one can predict what's going to happen. I can't predict everything. What I can assure people of is that this facility and those that are running it long after I'm gone from the board, and any of our board members and the director that's here tonight are gone, is that every possible thing that can be done to ensure the safety of that community will be done, but I can't guarantee you that nothing is going to happen because no one can offer a guarantee such as that.

In addressing the property location --

CHAIRMAN: Water and flooding.

MR. MEYER: The way this program is designed to operate and the way it was put together was based on the concept, okay, we can take these agencies of the government, state and federal, we can find and we can put together construction moneys to build a $4 million facility, but what's that going to do? We stop there how is it going to operate?

The facility and the program, as the governor put it together, provides the operational dollars.

One component of the operational dollars is that part of the property qualifies to receive Section 8 Voucher assistance. Section 8 Vouchers are administered in our county by two agencies. The
Housing Authority of the City of Owensboro and the Kentucky Housing Corporation. Obviously Section 8 Vouchers of the Housing Corporation are defined within the city limits. The section 8 Vouchers that are offered by the Kentucky Housing Corporation are within the county.

To make sure that our program did not place a strain upon the existing voucher program of the City of Owensboro, we had to find locations that were within the county but close enough to the city to allow for the walking and the transportation needs of the individual participants. So we had to essentially find county property within the city limits. We all know it exist. It's one that city and county officials have been debating. But in this instance it was the one property type that fit this model and made it work because in my conversation with David Condon of the Housing Authority, they don't just have 35 extra vouchers to hand to this program. Kentucky Housing Corporation does.

So that's why, as far as property location, we had to find a needle in a hay stack that was within the boundaries and the confines of the city, but technically in the county, so that it could satisfy the walking and traveling requirements of those
individuals in the program who, as I said earlier, frequently do not, most of them don't have automobiles.

We did address Mr. Stanley and his comments, as he brought up the fact that we withdrew our initial application or initial indication for a site on I believe it was Kipling Drive. At the time of the announcements of this project we actually identified that property as being our number one choice. This property that we're speaking about tonight as the number two choice, as Kentucky Housing Corporation wanted to approve the site location.

The current zoning of the property on Kipling Drive in our discussions with Mr. Noffsinger and his staff would have required the extension of a street of Kipling Drive down the middle of that two acre tract making an elbow and coming out to exit on JR Miller Boulevard, which essentially dissected the property in half and did not give us ample room to construct the facility.

So for the ladies and gentlemen of the board, that's the reason we moved from the Kipling Drive site over to Mr. And Mrs. Hedden's property. Had nothing to do with we moved because of the neighborhood.

We belief and we feel that if you look at the
overall population density of the neighborhood, that
it would be consistent to place this facility at the
location.

True you have single-family residences on
Higdon Road, the new economic developments there
between JR Miller Boulevard and Veach Road. I would
point out the land directly west of the property is
undeveloped. I had heard indications that a church
was looking at acquiring that facility. If that's
true or not, I cannot attest, but that's what I have
heard. That property could be developed commercial.
It has any number of uses.

On the other side of the bypass we would point
out, that pretty much is all commercial property.
Now, if you continue to go directly west, you're
running into apartment complexes.

MR. NOFFSINGER: Excuse me. I think it would
be south along Veach Road. You would be going south.
North would be toward town and then west toward JR
Miller Boulevard.

MR. MEYER: Correct. If you go across JR
Miller Boulevard again, you're getting into an area
that is residential, but it's also apartments, higher
density type use.

You look at the overall concept and the
contours of the land that we believe that the placement
of this facility does fit and comport with the
appropriate regulations of the zoning code and also
with the appropriate Kentucky statutes.

    I understand safety is a big concern. As I
stated before, everything within the power of this
entity will be to make sure that it is safe so that
people can lay out in their bathing suits, garden and
let their grandkids play in their yard.

    These individuals want to be good neighbors.
It's interesting to come down and talk with the people
in our program because they all know that they made a
mistake. That they face a lot of obstacles in their
life. They're contrite. They're contrary. They
really want to get back into society. If we don't
give them a chance and don't give them an opportunity,
where will they be? It has to be given to them
sometime, and it should be given to them sometime. We
all deserve a second chance. We've all made mistakes
in our lives that we regret. We just hope that those
that we've hurt forgive.

    It's interesting that those that graduate from
the program, to watch them as they're proud that
they're holding a job down and they find goodness in
that. They're even more proud when they get their
children back. They regain the love of their spouses and they're able to come back and truly they work a little harder I believe because they know they've got something to make up. They know that they've cost you and I and everyone in this room money. Everybody knows the escalating cost of the jail. Seems like every time we turn around they're having to raise the money from the state. They've done it twice I believe in the last two legislative sessions.

There's discussions now about how county governments aren't going to be able to fund the jail so maybe the estate should take over the system.

Unless we stop whatever is causing people to go into jail, those costs are just going to continue to escalate.

The safety concerns were addressed to drug addicts, people using. Certainly I don't like drug addicts or the negative connotations that they bring, but there's a difference between a drug addict and a person in our program. The people in our program, as I indicated, don't like that label and they know they've got a lot to overcome and they work hard to do it.

I will point out that as a part of the program individuals are constantly randomly drug tested. If
they turn dirty -- the program operates right now
where it is, they turn dirty, you're out of the
program and we're going to see the judge. If they're
using, we find out about it and we're able to address
that and address that appropriately by reports back to
the court, reports back to the parole officers. Then
the individuals are treated accordingly.

The program is not for everybody. We can't
address the gentleman that had a problem with one
person in the program. Each person is different, but
we only want -- only people who want to be there,
will be there. If they don't want to be there,
they're not forced to be there. It's a voluntary
program. If you make a mistake, you leave and you're
exited from the program.

MR. DYSINGER: Can I ask a question on that
point. Is there ever a situation where -- it's a
voluntary program you stated. Earlier you mentioned
some organization, law enforcement agency that
optioned a third of your beds.

MR. MEYER: Correct.

MR. DYSINGER: What organization was that?

MR. MEYER: That was the Kentucky Department
of Corrections.

MR. DYSINGER: Do you have the same amount of
control over those participants in your program as you would the other 66?

MR. MEYER: Absolutely.

MR. DYSINGER: So you can deny, if you can disclose the nature of that arrangement. They cannot compel someone to be there?

MR. MEYER: That's right. They still have to go through the same screening process, screening programs.

MR. DYSINGER: Regardless of the nature of the class of the people, to me the issues comes down to, at least a little bit, whether people are there 100 percent voluntarily, which I think is an important part of what your group does, and someone being compelled to be there. To me that changes the nature of this a great deal.

MR. MEYER: Those individuals coming from the Department of Corrections are not compelled into the program.

MR. DYSINGER: Are they given your program as an option to jail?

MR. MEYER: Yes, in a sense they would.

MR. DYSINGER: What does that mean, "in a sense they would"?

MR. MEYER: Yes. We will probate. You would
serve part of your sentence. If you have a five year sentence you can serve part of your sentence. You can be paroled out as a condition of the parole. You will be in program. You have to complete and comply with the program. It is compelled. That's no different than parole itself. When you're let out on parole you have certain conditions and requirements that you have to meet.

MR. DYSINGER: I would say the difference would be a question of scale. Possibly 100 people in one spot of people who perhaps are not there completely willingly.

Again, I'm in huge support of what you guys do. Please don't take this the wrong way. But the idea that it's either this or jail, and so in density, the two issues combined, to me seem to change the tone of the issue.

MR. MEYER: Right. If you were there -- eventually those people are addressed. If they're there, not for the wrong reasons, they will leave. Something will happen. Something will occur.

MR. DYSINGER: I think that's what these folks are worried about, sir.

MR. MEYER: Right. That's where I was saying earlier. More often times than not it's not going to
occur within the area of the facility because you have 99 other individuals in the facility who are watching that person because they know, those 99 know that if that person messes up in the facility, the whole program is in jeopardy. The whole existence of it there is in jeopardy. In that sense, the whole program is based on peer to peer monitoring. That is the greatest pressure of all, as we know. It's that constant oversight by individuals in the program.

They're all together in one cause.

You have that. They're not going to except that or allow it. Because if they do then their whole existence in the program and their whole ability to get out for the right reasons is in jeopardy. So that is a way that issue is addressed.

CHAIRMAN: I think you've hit that. Let's get back to a couple of questions that they asked.

The evaluation and taxes in that area. What effect will that have?

MR. MEYER: That would be a question, again, no one knows. No one can attest.

CHAIRMAN: In your opinion.

MR. MEYER: In my opinion, I think in the long run it the will not effect those property values at all. We do not.
CHAIRMAN: The next one flooding and the effects they're going to have in their areas.

MR. MEYER: If we were never to build on a floodplain, Owensboro would probably be a tenth of its size. We all known the town is built in the floodplain.

CHAIRMAN: But that don't - -

MR. MEYER: I understand that. I understand that. Mr. Bryant is a very capable engineer, very successful individual. Has been involved in a number of developments in the area. We will comply with every requirement that we are required, every agency, which I know you're dealing with several state agencies. You're also dealing with probably federal agencies and FEMA to ensure that we do not add or exacerbate existing flooding problems. I know that's on everybody's mind because in the last three weeks we've had three of the largest rains that we've had since probably '97. Every requirement that we are required to do, we will meet every obligation with respect to flooding and displacement. We will make and meet to ensure that nothing more is placed on these individuals than already is.

CHAIRMAN: Any other board members have any other questions you want to direct at this time?
MR. DYSINGER: The applicant or just in general?

CHAIRMAN: The applicant right now.

MR. MEYER: If I may bring Mr. Bryant up to help explain the flooding.

MR. BRYANT: I've brought a copy of a FEMA for this area. I would like to put this flooding issue in perspective. I think the best way to do it we'll call this a make-shift exhibit and I'll submit it. It's been used quite a bit.

You'll notice on that map there's quite a bit of dark gray area. All that dark gray area is regulated flood zone. It takes in this entire area. It takes in probably half or so of the Fiddle Sticks development. It takes in Salem Drive. It takes in JR Miller, parts of JR Miller, Southtown Boulevard, the mall.

This property is going to develop for some purpose at some time when economics dictate that you can go in and fill the site and take it out of the flood zone just like the commercial properties in the area. It has nothing to do with what's proposed for the site.

If you look at what's proposed and the seven acre site, I think you'll find that this facility is
going to leave a lot more green space, open space than
if this project developed even as a subdivision.

Gary, what's this zoning on Fiddle Sticks?

MR. NOFFSINGER: Mr. Bryant, I believe that is R-1C, which is single-family residential
classification.

MR. BRYANT: How many homes under R-1C? How many homes can you build per acre? One per 5,000?

MR. NOFFSINGER: One per 5,000 square feet. So it's about nine per acre.

MR. BRYANT: I know this is hypothetical, but if this were developed as a residential development, it will be a logical expansion across Veach Road.

I did some rough numbers awhile ago. Just on a seven acre site for R-1A, you would be allowed to build one house per 10,000 square feet. That would yield approximately 30 homes on this site at one in 10,000. At one in 5,000 it would be 60 homes. The impact on drainage would far exceed what's being proposed with this single building and parking facility on a seven acre site. At three residents per home, 30 homes would yield 90 people. If you went to R-1C at three residents per home, that would double and you'd have 180 people residing on this site. They propose 100. Just trying to put everything in
This site, the marked site to the west of it, the area immediately to the west along the bypass, both north and south side of the bypass are being developed for mixed use. The marked site may or may not be developed as residential because it's a borrow pit that's been filled in. I would suspect that that site will be probably commercial at some point. That's my own feeling because of the nature of the site.

When is the last time of all the commercial properties and residential developments that have taken place in the area shown on that flood map, the areas in gray that are in a regulated zone, I'm trying to think of one development that has been flatly turned down because it's in a flood zone. They presented design issues. We had to deal with permitting. It affected the cost of development, but I can't think of one development that's been denied because it's in a regulated flood zone. Why is this site any different than all those other sites shown on this map?

We're going to have to address the drainage issue, but I think that needs to be taken into perspective that we have public improvement
specifications which place requirements on design and
collection. We have to go through the permitting
process. We'll have to submit to the Division of
Water. We've greed to meet the one to one
displacement. Which means any areas that are filled
above base flood will be offset by at least an equal
amount of new volume that's created on the site.
We're not going to bring any outside material in.
There will be no dirt hauled in to fill the site.

Drainage will have to be dealt with, but it's
not an issue. In my opinion it's not an issue that
determines whether or not this conditional use should
be granted. If you're doing that, you're saying this
site is not suitable for development for any purpose
at any time.

CHAIRMAN: Mr. Bryant, would you like to
address one other question that was made. In your
opinion, what affect this will have on values in that
area after being built?

MR. BRYANT: I don't think I'm qualified to
address that.

CHAIRMAN: Thank you.

Any other questions?

MR. THOMPSON: Mr. Chairman, can I make one
quick comment?
CHAIRMAN: Yes. Come forward.

MR. THOMPSON: I promise to be brief and I think this is new.

The only point that I'd like to ask the board to consider in your final deliberations and discussions is that remember that the people that will be receiving the benefit of this institutional facility, that will be receiving the treatment and the counseling don't care where they get that treatment and counseling. They're only interested in the product. They're not saying, well, I'm not going to go get the treatment or the counseling because I don't like where it's located. We don't know many people that refrain from going to Owensboro Medical Health System for a problem because they don't like where it's located. So they have no stake in the location and no concern in the location of where they get that treatment. They go where the treatment is. Whereas and conversely and most important, the neighbors that are already there are concerned about an institutional facility locating in their neighborhood and they are concerned about the location because they were there first and they're there in a residential setting and a residential enjoyment where they raise their families and have family reunions and not in an institutional
The only other point that I'd make along those lines is that if there are consequences of the improper integration of an incompatible use in a single-family predominately neighborhood, which I think this certainly qualifies that, that those consequences and those risks will not be born in those adverse influence, will not be born by the residents of this institutional facility. They will be born by the stakeholders. The stakeholders are the residents that live there now and have lived there. Thank you.

CHAIRMAN: Before we come back to opposition, is there any other comments from the applicant at this time?

Come forward and state your name.

MR. ELLIOTT: State your name, please.

MR. SLONECKER: My name is Michael Slonecker.

(MR. MICHAEL SLONECKER SWORN BY ATTORNEY.)

MR. SLONECKER: I would introduce myself as I've been a resident of Owensboro for over 23 years. Since that time I have been an advocate for this community for health reasons. I have recently been involved with community solutions for substance abuse for the last four years as an advisor to the board of directors. I'm also an advisor to the board
of directors for Lighthouse Recovery. I will say that within this room there's only one other person that has knowledge or experience in substance abuse greater than myself. She's sitting over there.

With that in mind, I understand the concerns of the neighborhood. I understand their apprehension about having an institution or organization like this in their backyard. But I'd also venture to say that none of these people have ventured to Lexington to visit the Hope Center or to Louisville to visit the Healing Place. If they're interested in doing that, I will personally finance transportation for them to do so because they are two of the most credible organizations in this nation.

I've had the opportunity to work with both groups, the Lighthouse group and the Community Solution, in trying to capture some issues in this community because all of us have buried our heads in the sand when it comes to substance abuse. We need a location. This was apparently, according to J.D., the second best location and this is where we ended up.

I think if you were to visit these facilities, talked to the residents, talk to staff, talk to the neighbors, you'll find that it is not misplaced where it's located.
I think also, for the record, I would like to mention that I have attempted four time in the last month to contact Representative Thompson to discuss this issue before it got to this point this evening. I never received a phone call back. I left phone messages. I left voice mail. I've left messages with his receptionist so that we wouldn't end up in this kind of a conversation. So we could figure out where the concerns were.

Rather this is an economic issue or a fear issue, my concern is this is a social issue. This is not a concern about Lighthouse Recovery. This is a concern and a problem of Owensboro, Kentucky. We have an epidemic going on here. Unless we do something about it and we do it soon we're talking about quadrupling the expense of our health care in our community within the next five years.

What we have found is based on the criteria that we're limited with, with the parties that are involved with partnership to offer us three or $4 million worth of the facility in this community that has to meet certain specifications. We don't have another location. Do we throw it away?

We announced at the chamber breakfast this morning that we've gotten the governor's okay for his
portion of the money. We went through the hoops that
was necessary to get funding from the Federal Housing
Authority. We got money from the governor's office of
local development. We have the Kentucky Housing
Corporation behind us. We have people from Owensboro
that work in Frankfort that want this facility in
Owensboro. Are we going to throw it away? It's up to
you folks. It's not up to me. I don't care. I don't
have a vested interest in this. All I know is we have
a problem and if we don't deal with it, we're not
going to have people capable of making a living, to
buy tickets to go to a rec-plex or anything else.
This is an issue. We need to address it and we need
to address it tonight. That's all I have. Any
questions?

CHAIRMAN: Any questions for the gentleman?
(NO RESPONSE)
CHAIRMAN: Any other comments from the
applicants?
Come forward, please.

MR. ELLIOTT: State your name, please.
MR. BURGESS: My name is Stan Burgess. I
serve also as president of Community Solutions and
Substance Abuse.

(MR. STAN BURGESS SWORN BY ATTORNEY.)
MR. BURGESS: I would just like to take a minute and remind the community and the board of the cost of the issues to this community and broad base things that we don't often think about.

When you talk to the sheriff in this county, you'll find that he will tell you about 60 percent or more of his total departmental expenditure is done because of drug or drug-related expenses. These numbers may not be exact, but that's something in the neighborhood of $2 million.

When you have a conversation with David Osborne, the jailer, and you say, what percent of your jail exist because of drug or drug-related issues, his number is somewhere around 80 percent. There's another conservative $4 million this community is paying this year, last year, next year.

When you turn and you look at the police department of the City of Owensboro and you ask Chief John Kazlauskas, sir, what percent of your budget is expended on drugs and drug-related issues? His answer was 75 percent. His budget is a little under $9 million. So do some quick math there. Somewhere in the vicinity of 5 to $6 million the city spends on this issue every year. Not just this time, but every year because of the drug epidemic that Mike talks
about in the community.

You can look at other areas. When you go and you talk to the judges in our community and you say, Your Honor, what percent of your docket relates to drug or drug-related offenses? The number we hear is 80 percent, 90 percent.

Does that mean that I don't get a timely hearing of my issues when I go into the judiciary system? Why is that? Because of drugs.

I asked Keith Cain a year or so ago, I said, you know where I live in the county. How many deputies do I have protecting me at night? He told me I had one-half deputy. I said, that's interesting. I said, how much area does that one-half deputy cover? Half the county. Am I vulnerable as a county resident? You bet I am. Is that a criticism of Keith Cain? Absolutely not. The man has been awarded across the nation for his work in drug enforcement.

Does it connote what happens to the citizens in this community when we don't address this issue? It absolutely does. We're entitled as a general citizen of this community to better than what we're receiving. That means taking a new approach, taking a different approach and breaking the circle of drug addiction, arrests, confinement and around we go
again.

So this community is paying a very heavy price today because of this issue. We have only addressed a very small part of it. Because if you go to the best statistical studies that we can find, and these are guesstimates, and please understand that.

That alcohol accounts for about a $15 million loss in a community of this size. That's more in a workplace cost and less in a pure government cost.

What's interesting about that statistic is that when you go to treatment professionals in our community, they say, but, Stan, that study didn't talk about any other kind of drug. Did you know that 40 percent nearly of our new addictions in this community are because of meth? No connection to alcohol whatsoever.

I think as citizens we have to weigh so many values. We have the weigh the values of this community, what we are paying each and every year in cost and we can identify. A lot of cost we can't identify. The charity care of our local hospital has gone up and up and up. Doubled and sometimes more. One of the driving factors of that has substance abuse. There are so many factors to weigh in looking at this issue. You cannot ignore it. Thank you.

CHAIRMAN: Any other comments from the
applicant?

(NO RESPONSE)

CHAIRMAN: We will take the other side for a few minutes. Whoever wants to come up.

MR. ELLIOTT: Identify yourself.

MR. KIRBY: Roger Kirby.

MR. KIRBY: The epidemic portion of the drug abuse, that's right. You're going to bring the to our backyard. The man said he didn't have vested interest. I do. It's in my backyard. They talk about 100 bed building. I have lived at that address for 30 years. How many times do those 100 beds are going to rotate through that place? What's the percentage of people that could possibly be put there unvoluntarily? How many beds is that? How many was it?

MR. DYSINGER: He said they would not be compelled by the state if that's --

MR. KIRBY: Could be.

MR. DYSINGER: Could not be compelled according to the testimony.

MR. KIRBY: How many times is that going to roll over and over? And how many chances are they going to put our community, our few homes that are there in harms way? Every time a person goes in
there, how many people is that? I don't believe that
you're putting one bullet in a gun and just spinning
it. One of these times it's going to go over on us.
It's going to go over on us. They can go build that
building someplace else.

CHAIRMAN: Any questions?

MR. DYSINGER: I have a question for J.D.
You discussed about the Kentucky Department of
Corrections having option on 33 of the beds. When I
asked could they be sentenced or compelled to be at
your facility, you said no.

MR. MEYER: Somebody coming up for parole.

MR. DYSINGER: An alternative to jail.

MR. MEYER: I condition understand your
question.

MR. PIERCE: Rich Pierce.
I think what you're asking, can they look at
somebody and say, you have to go to Owensboro Regional
Recovery, and the answer is no. That person obviously
has an alternative and, yes, there is argument of do
you want to go to jail. Your alternative is this
program where you are screened.

They still have a screening process that they
have to go through. You can still look at that person
and say, I'm sorry, based on what we see in your file,
you are not eligible, and they go to jail. That's the
difference.

It's not an option. It's not written
agreement. It's they can take up to -- they said, we
have such a problem that we could fill up to a third
of those beds, but he still has, the group still has
the ultimate authority to accepting or rejecting those
people from the Department of Corrections.

So even if that person says, yes, I don't want
to go to jail, I want to get in the program. He can
still say, I'm looking through your records, there
was, you know, there was a gun involved and, no, I'm
sorry. I think there is some person here that is not
appropriate. Does there have to be a defined reason?
Absolutely, but that is why there are screening
criteria in place.

CHAIRMAN: Anything else?

MR. MEYER: Those individuals as they come out
now for parole they don't have that extra option.
It's how you do. We look at it as, okay, probation,
parole and Kentucky Department of Correction says,
you've got the option of probating. This individual
they're eligible for parole we can't just let them out
right now. They haven't addressed the reason they are
incarcerated.
This program helps the Kentucky Department of Corrections because now when that person, that individual is up for parole, they can say, in addition to that, we want you in this program here. If they are qualified, that helps the Kentucky Department of Corrections because through the program they won't see that individual again.

We ask you look at the public in a whole and welfare of the public as a whole and approve the conditional use permit.

CHAIRMAN: Give you one more person to comment.

MR. ELLIOTT: Restate your name.

MS. STIFF: Debbie Stiff.

I too want you to look at the community as a whole because there is a whole lot of people that use that Greenbelt.

I think if the community knew that you all were proposing to build the facility on that Greenbelt, I think you would have public outcry concerning that.

We are not opposed to the Lighthouse facility. We are not. We are just concerned about it being literally just on the other side of our fence or our property lines.
One of the gentlemen that spoke said that he was concerned about the health issue. Well, the Greenbelt proposed for the health issue is a concern right there. If you came and looked how close they're going to be, it's just unbelievable. I won't get on my bike on the back again or let her ride beside me. How will I comfortable on that? How will our community feel comfortable on that Greenbelt jogging right up beside that facility?

If someone does escape from there, it's a 100 man facility and the turn over there, it's going to happen at some point. They're going to their roots, but how are they going to get there? They're going to go through my backyard. They're going to go through my neighborhood because it's a lot more wide open. You have your bypass there. They're going to go through the houses, going to go through our area because the area is more open and more visible. They're going to go through our backyard.

I agree the facility is needed. I'm 100 percent for it, but not where I live. Yes, we are on floodplain, but we are not concerned because we live on floodplain. We are concerned because we have had water filling our basements in our homes surrounding our proches for weeks. We have had water in our
houses. This is different. We have experience of living with water. It's not just a flood zone. It affects us in a very direct way.

I just ask that you really do consider where this is being placed because I don't think the community is going to support this when they see that it is on that Greenbelt. It was suppose to be a place that people felt safe. They could exercise for health. Once they know, they don't know. They haven't connected. They don't know that people are planning to use this Greenbelt to get to that facility. Once they find out, I don't think they're going to like it and people are not going to feel safe. It's not just us. I understand we're 20 houses. I understand. We're not going to -- understand you've got to see the whole picture. I understand, but look at the whole picture for our community.

CHAIRMAN: One other lady have a comment over here.

MR. ELLIOTT: State your name, please.

MS. NOLAN: Donna Nolan.

(MS. DONNA NOLAN SWORN BY ATTORNEY.)

MS. NOLAN: I am chairperson of the Lighthouse board, but more than that I'm director of the Goals
Program at the Daviess County Detention Center and thank you for your comments.

I think my big thing here here is the passion. I know how recovery programs work. I want you to understand one thing. The people that are in this facility, they don't just come in one day and the next day they're going out on the street. Programs like Recovery Programs are set up in phases.

In the first phase they don't go anywhere. They're right there.

One thing about recovery and about treatment you have to realize is we realize, and I understand your care and concern about all of this, but we realize that if you're involved in this on a daily basis it's hard to see the whole picture.

The first few months they will not, the two first two or three months they're not allowed to go anyplace. They are getting off of that drug at that time. Does everybody make it? No, not everybody makes it through my program. I wish I was that good, but I'm not.

Can they make it? Yes. We take every avenue. The Hope House and the Healing Place who I work with a lot, they take every precaution in that neighborhood.

I just want you to know that at the Recovery
Program we're not just an AA meeting. AA is very important with this, but we do a lot of this. There's going to be a lot of recovery programs. They're going to have things that they have to do.

If you start programming at 8:00 in the morning and you program all day long. This is not just an hour or two a day group. This is a program that last 24/7. I just want you to know that. That we are addressing recovery issues. I have a passion for this and I'm going to tell you, if I didn't think it would work, I would be over there sitting with you guys. I really would. I know it works and I just wanted to say that. Thank you.

CHAIRMAN: Has anybody have new ideas, comments that we haven't heard already?

Come forward.

MR. ELLIOTT: Just identify yourself for the record.

MR. SLONECKER: Michael Slonecker.

I do have an idea and it's an opportunity. It's a win-win for everybody.

My understanding is as these people go through the program they're going to need additional housing, permanent housing. There's funding for permanent housing through the Kentucky Housing Corporation and
other groups to provide ongoing permanent housing for
people that have been displaced from their homes.

It's the same thing with homeless centers.

Two or three years ago there was an
established on state and federal level a goal to
eliminate homelessness. How are they going to do
that? Well, they're going to push people into
facilities. Individual housing units to teach them
skills on how to survive, how to live, how to manage
and those sorts of things. It's the same deal with

substance abuse.

When you get to the end of that tunnel, we're
not going to show somebody out there the notation.
They need a place to live. They need skill
development. They need career counseling. They need
legal assistance. They need homes. They need to
learn lots of things. There's an opportunity. My
understanding is there's 10 to 12 homes that we're
dealing with here. Why don't those 10 to 12 homes go
to a local developer and say, why don't you buy our
property and turn it into housing for these people so
they can go from one step to the next step. To me
that's a solution and it's a win-win for everybody
because your developer makes money, the people that
sell their property they make money. If they're
afraid of living near somebody that's in the recovery process, that solves the problem.

CHAIRMAN: I think we've pretty well heard everybody's comments now.

Does any board members have any questions from anyone at this time?

(NO RESPONSE)

MR. PEDLEY: Mr. Chairman, I have a few comments I would like to make. We're very sensitive to both sides I can assure you. I think I would trade seats with any of you right now.

What this is all about is to protect us from one another. KRS 100, Kentucky Regulatory Statutes, is public health, safety and welfare. So that's what we're here for.

We have to look at this issue of existing homeowners. We have this facility wanting to move into your neighborhood.

As a board member we have to look and decide if it is a safety issue, or welfare issue, or whatever. We've got to make that decision. That's what it's all about. To protect me or you from me. It's to protect one another from our actions.

This is a very tough decision for any board member here. I assure you we take both sides very
seriously. This is a much needed facility. We all realize that. It's much needed, but the neighbors in opposition tonight has made some very strong arguments. We have to consider all of them.

I'm not prepared right now to make my findings. I would like to postpone this until until next meeting to prepare a findings and do some soul searching.

At this point I will make a motion to postpone our decision until the next meeting. We won't hear arguments or presentations. We will give you our decision at the next meeting.

I make a motion to postpone for 30 days on our decision.

CHAIRMAN: Before I accept that motion, any other board have any comments or questions you would like to present to the board before I accept his motion?

MR. DYSINGER: I do, Mr. Chairman, if it will be all right.

The postponement I certainly support that, but only if it was so that you all could have an opportunity to collect actual evidence. There's three issues tonight that we've heard that to me are the most important of all the issues that we talked about.
The density issue I think is important.

Gary, maybe Staff can provide us something on that, a comparison to the surrounding neighborhood, something hard facts that we can look at.

MR. NOFFSINGER: Sure, we can do that.

MR. DYSINGER: Safety issue. I'll leave that up to either side. If you want to take a look.

There's three other facilities here in Owensboro. There's the facilities that the gentleman mentioned in testimony. I recommend everybody actually take a look at those statistically hard figures. I suspect I probably will be.

And the property value issue. It's the same thing. It's easy to say, gosh, I think this is going to hurt property value, but we can't or I can't as a board member, we can't go by, I think this might happen. We can't. Hard facts evidence is what we have to base our decisions on.

Again, I support the Lighthouse mission a great deal. I can't tell you, but at the same time we need evidence on both sides to help us make the most informed decision. That's all I would say on that.

CHAIRMAN: Any other board member have any comment at this time or question?

(NO RESPONSE)
MR. NOFFSINGER: I do have a statement. That is if this is postponed it will be considered at 5:30 p.m. at this same location on the first Thursday in September. I do not have the exact date. We need to be mindful of when that will be. It will be the first Thursday in September at 5:30. September 7th.

MS. MASON: Ward made a comment that you did not want any other evidence to be presented, but then -- that was your motion so I didn't know if we needed to amend it.

MR. PEDLEY: If the board feels we need additional information, then I will amend my motion to allow other evidence.

CHAIRMAN: Does the Staff have anything else to add?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Board members?

(NO RESPONSE).

CHAIRMAN: Attorney's advice?

MR. ELLIOTT: No.

CHAIRMAN: I'll accept your motion.

MR. DYSINGER: Second.

CHAIRMAN: A motion has been made and a second. Any other comments?

(NO RESPONSE).
CHAIRMAN: All in favor raise your right hand that we postpone it.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Any other item to come before this evening?

MR. NOFFSINGER: No, sir.

CHAIRMAN: We need one final motion.

MS. DIXON: Move to adjourn.

MS. MASON: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNNETTE KOLLER, Notary Public in and for
the State of Kentucky at Large, do hereby certify that
the foregoing Owensboro Metropolitan Board of
Adjustment meeting was held at the time and place as
stated in the caption to the foregoing proceedings;
that each person commenting on issues under discussion
were duly sworn before testifying; that the Board
members present were as stated in the caption; that
said proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 107 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
15th day of August, 2006.

LYNNETTE KOLLER
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY  42303

COMMISSION EXPIRES:  DECEMBER 19, 2006
COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY